

Appl. No. 09/438,431  
Amdt. Dated December 10, 2003  
Reply to Office action of September 12, 2003  
Attorney Docket No. P12817-US1  
EUS/JP/03-3162

### **REMARKS/ARGUMENTS**

The Applicants have amended Claims 1-3, 5-8 11-12, 15, 17, 21-25. Claims 1-3 and 5-25 remain. The amendments made to the claims are strictly for clarifying the intent and coverage of the claim and no new matter has been added. Favorable reconsideration of the application is respectfully requested in view of the amendments and foregoing amendments and the following remarks.

#### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1-3 and 5-25 were rejected under 35 U.S.C §103(a) as being unpatentable over Gossett Dalton, Jr. et al. (US 6,426,955)(hereinafter Dalton). The Applicants respectfully traverse the rejection and direct the Examiner's attention to Claim 1.

1. (Currently amended) A method of selectively accessing an Internet Protocol (IP) network, comprising the steps of:
  - determining whether an end device has access to said IP network, wherein said end device is coupled to an indirect interface capable of communicating with one or more access network-terminating devices, each said access network-terminating device being coupled to an associated access network and each said access network being communicably coupled with said IP network;
  - confirming the availability of said one or more access network-terminating devices,
  - determining the access capability of each of said one or more access network-terminating devices, said access capability comprising one or more predetermined factors;
  - comparing the determined access capability for each of said one or more access network-terminating devices to said access network with a preferred access capability being associated with said end device; and
  - selecting at least one of said one or more access network-terminating devices to provide an optimum connection to said access network, wherein the access capability of said selected access network-terminating device is ranked highest according to said predetermined factors. (emphasis added)

The present invention discloses a method and system for providing access to an IP network utilizing a chosen terminating device connected to an

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access network, which is further connected to the IP network. An end device such as a computer, may attempt to access the IP network (i.e., the Internet) through one or more access network-terminating devices that are already connected to the IP network via the access network such as LAN access, Satellite access, wireline network access, etc. (Figure 1). Known examples of network-terminating devices include a cable or twisted pair associated with a fixed access network or a cellular phone for a wireless network (see Background) and may also include a Bluetooth wireless connection. A computer accessing the Internet through a cell phone would be an example of an end device (computer) connecting to an IP network (Internet) through an access network-terminating device (cell phone, the access network is the cellular network). Another network-terminating device can be a PC-MCIA card in the computer connecting to the Internet via a Wireless Local Area Network (access network).

In the Applicants' invention, the end device determines the access capability and current load condition of each of the access network-terminating devices that may be available to the end device. The end device then selects the appropriate access network-terminating device based on the information obtained and the end device's predetermined preferences. (Summary). End device preferences are typically stored on the end device as a preferred access capability and the preferences include various predetermined factors. Information regarding network access capability is retained within memory in each access network-terminating device as access capability information. Upon attempting a connection with a network, the end device queries the available access network-terminating devices and compares the end device's preferred access capability to the access network-terminating device's current capability information. Based on the comparison, a best access network-terminating device is selected for connecting the end device to the network.

The Dalton reference discloses a routing engine, within an IP network, for assisting gateways in making routing decisions in the IP network environment. Effectively, the routing engine adds flexibility to the gateways so as to route a call

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from an originating device to a terminal device according to predetermined limits or requirements. The routing engine provides a prioritized list of eligible destination gateways to the source gateway and the source gateway works through the list until the call is established with an eligible destination gateway (Abstract). Dalton illustrates an embodiment utilizing a standard telephone handset to access a source gateway through a public network to place a call over an IP network (Internet). The routing engine is utilized at the service point of the IP network to help direct the routing of the call. In this instance, the source gateway might be considered an interface to the Internet.

On the other hand, Dalton utilizes a telephone to access the Internet through a source gateway. The telephone uses the source gateway to gain access to the Internet (though not discussed, the source gateway is probably an operator's gateway connection to the Internet). This being the case the telephone does not determine whether or not the public telephone network is capable of communicating with one or more access network devices; the telephone connects directly or indirectly through the public network, to the source gateway. In comparison, the Applicants' invention discloses an end device (either a telephone, or a computer with telephone capabilities) that is capable of choosing between available access network-terminating devices to connect to an access network that is also connected to the Internet; terminating devices that include cable, twisted pair and WIFI. The Applicants' invention checks each available device to determine the optimum connection before and during the connection to the Internet (Summary). An indirect interface, contained in the end device, such as Bluetooth may be used to determine the preferred access network-terminating device while the direct interface of the end device is connected to the principal network (such as a cell phone connected to a cellular network)

Applicants' Claim 1 combination recites among other features, capable of communicating with one or more access network-terminating devices. Dalton does not discuss nor suggest the options provided by the Applicants' invention. There is no suggestion by Dalton that the calling party may choose between

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network-terminating devices. In fact the cited portion of the Dalton reference regarding this limitation (Col. 5, lines 3-43), does not appear to address the subject feature, but instead describes a service point, within the Internet, for providing an authorization response message to provide access to a destination gateway. The cited portion also describes determining router hop count from the service point to the gateways. The cited reference also states that the calling party may connect to the Internet through the source gateway by wireline or cellular means in the first embodiment utilizing a telephone. The source gateway of Dalton contacts the service point for routing assistance and the claimed routing engine uses information in the request for determining the destination gateway for the call.

Applicants' Claim 1 combination also recites, selecting at least one of said one or more access network-terminating devices to provide an optimum connection to said access network. This step is neither taught nor suggested by Dalton. In the Official Action, a correspondence is drawn between this claimed feature and the description of the operation of the service point in routing calls. (Col. 11, lines 39-60 and Col. 5, lines 3-43). However, Applicants have reviewed these cited portions of Dalton and are unable to find any reference to selecting a network-terminating device. Instead, the cited portion of Dalton describes a routing mechanism within the Internet (Col. 11) utilizing a service point, and authorization and destination gateway selection also utilizing the service point.

The Applicants respectfully submit that Dalton does not teach or even suggest the above-emphasized features from Claim 1. This being the case, Claim 1 is patentable over Dalton. As between Claim 1 and the Dalton reference, the Applicants submit that independent Claims 7, 15 and 21 contain limitations analogous to those found in Claim 1. For the above given reasons the Applicant respectfully submits that Claims 7, 15 and 21 are also patentable over Dalton.

Additionally, Claims 2-3, 5-13 and 17-25, also addressed by the Detailed Action in subsequent paragraphs, contain the same limitations found in the

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respective independent Claims 1 and 15. Therefore, Claims 2-3, 5-13 and 17-25 are also patentable over Dalton.

The Examiner rejected claims 14 and 16 under 35. U.S.C § 103(a) as being unpatentable over Gossett Dalton, Jr. et al. (US 6,426,955) as applied to Claim 1. The Applicants respectfully traverse the rejection of these claims and direct the Examiner's attention to Claim 14.

14. (Original) The system of claim 13, wherein said cellular telephone includes, as a direct interface, means for communicating over a cellular air interface and includes, as said indirect interface, means for communicating over a Bluetooth air interface. (emphasis added)

The Applicants agree that utilizing Bluetooth technology to access network-terminating devices may be obvious as a means for coupling the end device to a network-terminating device. However, utilizing the technology as a second interface for helping determine which access network-terminating device to access according to preferences stored in the end device may not be obvious. In any event, Claims 14 and 16 also depend from Claims 1 and 15 and contain the same limitations. Respectfully, the Applicants submit that Claims 14 and 16 are also patentable over the Dalton reference.

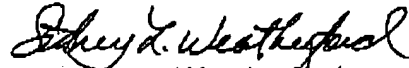
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### CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for Claims 1-3 and 5-25.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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